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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,600	09/10/2001	Ludo Adriaensen	016782-0230	6512
22428	7590	05/05/2006	EXAMINER	
FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			GRAY, JILL M	
			ART UNIT	PAPER NUMBER
			1774	

DATE MAILED: 05/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/857,600

Applicant(s)

ADRIAENSEN ET AL.

Examiner

Jill M. Gray

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-24 and 31-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-24 and 31-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. The indicated allowability of claims 20, 22-24, 31-32, and 34-38 is withdrawn upon further consideration and in view of the newly discovered reference(s). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 20, 23-24, 32, 35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hosemann et al, 4,944,813 (Hosemann) in view of Van Vlaenderen 3,829,545 and Takazawa et al, 4,774,105 (Takazawa).

Hosemann teaches a method for manufacturing a coated steel wire having a bright looking surface, said method comprising the steps of providing a steel core, coating the steel core with an intermediate coating layer, drawing the coated steel core so that the intermediate coating obtains a bright looking surface, wherein the drawing step is a wet drawing step, per claims 20, 23, 32, and 35. See column 3, lines 33-35 and Examples. In addition, Hosemann teaches that the intermediate coating layer provides enhanced properties such as good protection from rust formation and electrical insulation. Hosemann does not teach the step of obtaining and further coating said steel core with a thermoplastic polyester.

Van Vlaenderen teaches a process of manufacturing polyethylene terephthalate coated wire comprising extruding polyethylene terephthalate onto a steel wire. See abstract. In addition, Van Vlaenderen teaches that his coated wire is resistant to weather and corrosion and that the polyethylene terephthalate can be amorphous. See column2, lines 45-48 and column 5, lines 7-10.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the process of Hosemann by including the steps of obtaining a transparent thermoplastic polyester and further coating his steel core with said polyester, as taught by Van Vlaenderen in order to provide steel wires having increased resistance to corrosion and formation of rust. While Van Vlaenderen does not specifically state that the polyester is transparent it is the position of the examiner that this property is not a matter of invention because amorphous polyethylene terephthalate is known in the art to have a natural color that is clear and transparent. In addition, Takazawa et al, is cited to show the state of the art at the time the invention was made, in particular, that coating steel wires with an intermediate coating and further coating with polyester is a known process, and said coated wires are known. As to claims 37 and 38, this process limitation is not construed to be a matter of invention because processing of coated steel wires to result in a bright surface is known in the art. To determine the amount of brightness or degree of roughness is construed to be no more than an obvious design choice during routine experimentation.

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4. Claims 20-21, 23, 31-33, 35, and 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strohmeier 3,630,057 in view of Wiener 3,446,758 and Findlay et al, 5,892,176 (Findlay) cited to show the state of the art.

Strohmeier teaches a method of manufacturing a coated steel wire comprising providing a steel core, coating said core with an intermediate coating layer, and drawing said coated steel core, wherein the intermediate coating layer comprises a copper-sulfate coating. The intermediate coating layer is applied through a process commonly known in the art as a "hot dip" operation, per claims 21 and 33. See abstract and column 1, lines 17-19. In addition, the process of Strohmeier of immersion drawing plated steel wires using grease or lubricant is a known process that commonly results in a bright or shiny surface of the resultant wire. Accordingly, the examiner has reason to believe that the copper-plated steel wire of Strohmeier has a bright looking surface in the absence of factual evidence to the contrary. Furthermore, this requirement is not construed to be a matter of invention, rather, that which is generally expected in this art. Strohmeier does not include the step of further coating with a thermoplastic polyester. Wiener teaches coating steel wires with polyester to produce wires having good electrical insulating properties. See Examples. In addition, Wiener teaches that his polyesters can be polyethylene terephthalate and can be coated on electrical conductors such as copper, steel or aluminum, per claim 31. Though Wiener does not specifically state that the polyester is transparent, it is the position of the examiner that this property is not a matter of invention because polyethylene terephthalate is known in the art to have a natural color that is clear and transparent. It would have been obvious

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to modify the process of Strohmeier by adding an additional step of further coating with a polyester in order to produce wires having good insulating properties, motivated by the teachings of Wiener. The fact that Strohmeier teaches a copper-plated steel wire is of no moment, in view of the teachings of Wiener that his coating can be applied to copper or steel with a reasonable expectation of success. Findlay is cited merely to show the state of the art and that electrical conductors comprising copper-plated steel wires are known in the art. As to claims 37 and 38, this process limitation is not construed to be a matter of invention because processing of coated steel wires to result in a bright surface is known in the art. To determine the amount of brightness or degree of roughness is construed to be no more than an obvious design choice during routine experimentation.

Therefore, the combined teachings of Strohmeier, Wiener and Findlay would have rendered obvious the invention as claimed in present claims 20-21, 23, 31-33, 35, and 37-38.

5. Claims 22 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hosemann et al, 4,944,813 (Hosemann) in view of Van Vlaenderen 3,829,545 and Takazawa et al, 4,774,105 (Takazawa), as applied above or alternatively, Strohmeier 3,630,057 in view of Wiener 3,446,758 and Findlay et al, 5,892,176 (Findlay) also as applied above, and each further in view of Kotera et al, 4,340,519 (Kotera).

Claims 22 and 34 require the step of adding a coloring agent to the polyester. Kotera teaches the formation of polyester coatings wherein a coloring agent is added to the polyester. It would have been an obvious variant at the time the invention was

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made to modify the teachings in the cited prior art by including a step of adding a coloring agent to the polyester, as taught by Kotera. Moreover, this requirement is drawn to the color of the polyester, wherein changes in color ordinarily are not a matter of invention. There is no evidence on the record of unexpected or superior properties of the resultant method or coated steel wire, said unexpected or superior properties being directly related to the addition of a coloring agent to the polyester.

No claims are allowed.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill M. Gray whose telephone number is 571-272-1524. The examiner can normally be reached on M-Th and alternate Fridays 10:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jill M. Gray
Primary Examiner
Art Unit 1774

jmg